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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,979	02/03/2004	Thomas D. A. Douglas	16135-1US RM/JR/as	8986
20988	7590	12/09/2004	EXAMINER	
OGILVY RENAULT 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA			LINDSEY, RODNEY M	
			ART UNIT	PAPER NUMBER
			3765	
DATE MAILED: 12/09/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/769,979

**Applicant(s)**

DOUGLAS, THOMAS D. A.

**Examiner**

Rodney M. Lindsey

**Art Unit**

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4-10, 14-16 and 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Kamata '261. With respect to claims 1, 6, 9, 12 and 22 note the main lens 6 with the outwardly recessed portion 8 for receiving secondary lens 7 thus defining an air gap 11. With respect to claims 2 and 10 note the absence of a perimeter frame on the lens 6. With respect to claims 4, 5, 19 and 20 note such an extent of the recessed portion as per Figures 1 and 2. With respect to claims 7 and 21 the lens 6 is shown to be of a constant thickness and therefore the recessed inner and outer lens surfaces are offset a common distance from the curved inner and outer main lens surfaces. With respect to claim 8 note that the depth of the recess 8 is greater than the thickness of the secondary lens 7 and thus the offset distance is greater than the thickness of the secondary lens. With respect to claim 14 the secondary lens 7 teaches all the structure claimed and is therefore as replaceable as claimed. With respect to claims 15 and 16 note the soft adhesive (see column 2, line 66) equivalent to a gasket as claimed. With respect to claim 18 note that the adhesive is soft and therefore compressible.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3765

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamata '261 in view of Reuber. With respect to claims 3 and 11, Kamata '261 does not teach use of an electrical heating system. Reuber teaches old an electrical heating system as at 44, 50, 60 on an inner face lens 38. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the face shield of Kamata '261 with the system of Reuber to achieve the advantage of enhancing the elimination of condensation and fog on the face shield. With respect to claim 12 note the teaching of Reuber of providing the electrical system on the inner or secondary lens 38. With respect to claim 13 note such teaching by Reuber of locating the electrical system facing the gap between lens 36 and 38.

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamata '261 in view of Vondrak. Kamata '261 does not teach the gasket being substantially transparent. Vondrak teaches old the use of a transparent gasket (see column 4, line 49). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the face shield of Kamata '261 such that the gasket is transparent in the manner of Vondrak to achieve the advantage of reducing obstruction of vision through the face shield by the gasket.

6. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamata '261 in view of Grau. Kamata '261 does not teach relative radius of curvature between the main and secondary lens that effects a frictional retention of the secondary lens within the recessed portion. Grau teaches old radius of curvature of a main and secondary lens which cause a frictional retention of the secondary lens (see column 1, lines 46-50). It would have been

Art Unit: 3765

obvious to one of ordinary skill in the art at the time of the invention to provide the main and secondary lens of Kamata '261 with relative radius of curvature that effect a frictional engagement of the secondary lens within the recessed portion in the manner of Grau to achieve the advantage of a pretensioned and therefore enhanced engagement between the main and secondary lens.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note particularly, the double lens of Garbisch, Booth, Arnold, Arai and French patent to Camille, the electrical systems of Park, Yamamoto and Hollander and the transparent gasket at 42 of Nishiyama.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney M. Lindsey whose telephone number is (571) 272-4989. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/769,979

Page 5

Art Unit: 3765

A handwritten signature in black ink, appearing to read 'Rodney M. Lindsey', with a stylized, sweeping flourish at the end.

Rodney M. Lindsey  
Primary Examiner  
Art Unit 3765

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